

R E M A R K S

Claims 1 through 24 are in the application. Claims 1, 2, 5, 6, 7, 8, 17, 19, 20 and 23 are amended by this action to correct antecedent basis issues or to clarify the claims. No new matter has been added. Reconsideration and further examination are respectfully requested.

Claim Objections

The Examiner objects to the numbering of the claims. Applicants have reviewed the claim amendments and history, and believe the claims are numbered correctly. Several antecedent basis issues have been corrected in the amended claims, and Applicants thank the Examiner for pointing out the issues. Applicants respectfully request that the objections be withdrawn.

Claims 1, 3, 7-23/24 are rejected under 35 U.S.C. 102(b) as being anticipated by Blackstone U.S. Patent No. 4,868,930. Applicants respectfully traverse this rejection.

Embodiments of the present invention relate to a spectacle kit that includes a pair of lenses made from a flexible material joined by a nose bridge portion and connected to a pair of side arms. Each lens has an upper portion and a lower portion, and the upper and lower portions are movable towards each other so as to overlap and form a convex curved portion in each lens. Each side arm includes a slot suitable for receiving and retaining the overlapping upper and lower portions of each lens. These features are illustrated, e.g., in FIG. 1 and discussed throughout the specification. Embodiments enjoy a number of advantages over prior devices. For example, because spectacles pursuant to the present invention are flexible and formed as discussed above, they can be manufactured and shipped in a flat pack form and are readily assembled by a user quickly and easily without the need for a support table.

The Blackstone reference cited by the Examiner was considered in conjunction with the PCT application as well as in the corresponding European application. The Examiners in both cases considered claims similar to those set forth herein to be patentable over the Blackstone

reference. Applicants respectfully assert that the present claims are allowable over the Blackstone reference at least because the Blackstone reference fails to teach or suggest a spectacle kit having a pair of lenses made of flexible material, upper and lower portions being movable toward one another so as to overlap and form a convex curved portion in each lens, or side arms having a slot suitable for receiving and retaining the upper and lower portions of each lens. Each of the present claims include each of these elements. None of the elements are taught or suggested by the Blackstone reference.

Instead, the Blackstone reference relates to protective eyewear which is specifically made of “optical grade plastic material” (Col. 6, line 37) to provide a sturdy and protective shield for a wearer. The plastic material of Blackstone are made of “optically clear plastic of uniform thickness.” (Col 3, line 14). To shape the material (which can be thicker than about 0.040 inches), heating is required. Once cooled, the material appears to be rigid and unflexible. Optical grade plastic material is not “flexible material” and can not be shaped or moved in the manner as recited in the instant claims. As such, Blackstone does not teach or suggest the use of “flexible material” as recited in the instant claims.

Further, while the Examiner suggests that “end 43” of the Blackstone reference is analogous to the claimed “arms”, the “end 43” cannot be shown as teaching or suggesting the claimed “arms” of the instant application as there is simply no teaching or suggestion in Blackstone that the “end 43” have a “slot suitable for receiving and retaining the upper and lower portions of each lens” as recited in the instant claims. The “end 43” of Blackstone is simply an “end” of the face shield which has been folded back after the heated molding process. The “end 43” does not have the required slot for “receiving and retaining the upper and lower portions of each lens”. Instead, the “end 43” is an extension of the faceplate. There is simply no slot for receiving and retaining the upper and lower portions of each lens as recited in the instant claims.

The rigid and molded Blackstone face plate is strikingly dissimilar to the claims of the instant application. At the very least, the Blackstone reference fails to teach or suggest embodiments of the present claims as Blackstone fails to teach or suggest a spectacle kit having

a pair of lenses made of flexible material, upper and lower portions being movable toward one another so as to overlap and form a convex curved portion in each lens, or side arms having a slot suitable for receiving and retaining the upper and lower portions of each lens. Each of the pending claims include these claim features. Withdrawal of the rejection and allowance of the claims is respectfully requested.

Claims 2 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable as obvious over Blackstone. As discussed above, each of the claims of the present invention include features not taught or suggested by the Blackstone reference. As a result, each of the independent claims are believed patentable as discussed above.

C O N C L U S I O N

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-0081.

Respectfully submitted,

March 24, 2008
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